

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 36 – SB 1104

March 6, 2013

SUMMARY OF BILL: Establishes that any person who unlawfully sells, loans, or gifts a firearm to a minor or intoxicated person, or who sells a firearm to a felon, alcohol addict, or mentally defective person shall be criminal responsibility, as defined in Tenn. Code Ann. §§ 39-11-401 and -402, for crimes occurring from the use of the unlawfully sold, loaned, or gifted firearm.

Requires individuals who are convicted for violation of Tenn. Code Ann. § 39-17-1303 to serve 100 percent of sentence without reduction from sentencing credits.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$70,300/Incarceration*

Assumptions:

- According to statistics from the Administrative Office of the Courts (AOC), there has been an average of 0.4 convictions for violations of Tenn. Code Ann. § 39-17-1303, a Class A misdemeanor. These statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. It is assumed that there are a total of 4 convictions (0.4×10) per year for violations of Tenn. Code Ann. § 39-17-1303. However, there are three separate offenses under Tenn. Code Ann. § 39-17-1303, one of which is unlawful sale, loan, or gift of a firearm over the past five years. The statistics are not separated by offense. It is assumed that 1/3, or 1 conviction (4×0.33), is for the unlawful sale, loan, or gift of a firearm.
- It is assumed that the bill would result in one Class D felony admission per year of an offender under Tenn. Code Ann. § 39-17-1303 as criminally responsible for an offense of possessing a firearm with the intent to go armed during the commission of or attempt to commit a dangerous felony under Tenn. Code Ann. § 39-17-1324(a), a likely offense to be committed by someone who unlawfully purchases or receives a firearm.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount of 49.11 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost of the proposed legislation.

- A violation of Tenn. Code Ann. § 39-17-1324(a) carries a mandatory sentence of three years.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving three years (1,095.75 days) for a total of \$70,314 (\$64.17 x 1,095.75 days).
- Due to the low number of convictions this bill would result in, any impact on the caseloads of the courts, district attorneys, and public defenders can be accommodated within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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